

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SYBILLA RANDOLPH, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

CENTENE MANAGEMENT COMPANY,  
LLC,

Defendant.

Case No. 3:14-cv-05730-BHS

**STIPULATED MOTION TO  
APPROVE FORM OF FLSA NOTICE,  
OPT-IN CONSENT FORM, AND  
DISTRIBUTION METHOD**

**NOTE ON MOTION CALENDAR:  
MAY 15, 2015**

**[CLERK'S ACTION REQUIRED]**

Plaintiff Sybilla Randolph and Defendant Centene Management Company, LLC  
(collectively, "the parties"), by and through their respective undersigned counsel, jointly file this  
Stipulated Motion to Approve Form of FLSA Notice, Opt-In Consent Form, and Distribution  
Method ("Motion"). In support of this Motion, the parties submit the following:

1. On May 4, 2015, the Court granted Plaintiff's motion for conditional certification  
of a Fair Labor Standards Act ("FLSA") opt-in collective action. The Court ordered the parties  
to meet and confer regarding the form and method of notice, and authorized Defendant to file  
any objections by May 15, 2015.

**STIPULATED MOTION TO APPROVE FORM OF FLSA  
NOTICE, OPT-IN CONSENT FORM, AND DISTRIBUTION  
METHOD - 1**

Case No. 3:14-cv-05730-BHS

LITTLER MENDELSON, P.C.  
One Union Square  
600 University Street, Suite 3200  
Seattle, WA 98101.3122  
206.623.3300

1           2. Pursuant to the Court's Order, the parties have met and conferred regarding the  
2 form of notice and associated opt-in consent form, and the notice distribution method. The  
3 parties have reached agreement on all notice and distribution issues as detailed below.

4           3. Attached as Exhibit 1 is the form of notice agreed to by the parties.

5           4. Attached as Exhibit 2 is the form of opt-in consent form agreed to by the parties.

6           5. The parties have agreed that Plaintiff's counsel will distribute the notice and opt-  
7 in consent form via first-class U.S. mail and email only. The opt-in response deadline will be set  
8 as the date sixty (60) calendar days from the date the notice is mailed. Plaintiff's counsel will  
9 prepopulate and print the individual name of the intended recipient on each opt-in consent form.

10          6. Plaintiff's counsel will mail the notice and opt-in consent form to all putative  
11 members of the FLSA collective action via first-class U.S. mail.

12          7. Plaintiff's counsel will also be permitted to email the notice and opt-in consent  
13 form to those putative members of the FLSA collective action whose personal email addresses  
14 have been provided to Plaintiff by Defendant, or for whom Plaintiff's counsel have obtained  
15 email addresses independently. Plaintiff shall provide Defendant with a list of all additional or  
16 different email addresses obtained and used by Plaintiff's counsel to send the notice. The email  
17 will be sent by Nichols Kaster, PLLP, and the text of the email will be limited to the following:  
18 "Attached is a court-approved notice to inform you that an overtime lawsuit has been filed that  
19 you may join, to advise you of how your rights may be affected by the lawsuit, and to instruct  
20 you on the procedure for participating in the lawsuit, should you choose to do so." A copy of the  
21 notice and opt-in consent form will be attached to the email in PDF format.

22          8. Plaintiff's counsel will be permitted to send one reminder notice to those putative  
23 members of the FLSA collective action who have not yet submitted an opt-in consent form as of  
24 the date fifteen (15) calendar days prior to the opt-in deadline. The reminder notice will be sent  
25 via first-class U.S. mail and email only. The reminder notice will consist of a one-page notice  
26 that includes the case caption and states as follows: "This is a reminder that if you wish to join

**STIPULATED MOTION TO APPROVE FORM OF FLSA  
NOTICE, OPT-IN CONSENT FORM, AND DISTRIBUTION  
METHOD - 2**

Case No. 3:14-cv-05730-BHS

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One Union Square  
600 University Street, Suite 3200  
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206.623.3300

1 this lawsuit, your Plaintiff Consent Form must be completed, signed and postmarked on or  
2 before [date for opt-in response deadline]. A summary of the lawsuit and your right to  
3 participate was provided in the original Notice that was sent to you on [date]. If you need a  
4 duplicate copy of the Notice and/or the enclosed Plaintiff Consent Form, please contact  
5 Plaintiff's Counsel at: [list contact information for Plaintiff's counsel]." Consistent with the  
6 emailed original notice, the emailed reminder notice will be sent by Nichols Kaster, PLLP to  
7 putative members of the FLSA collective action whose personal email addresses have been  
8 provided to Plaintiff by Defendant, or for whom Plaintiff's counsel have obtained email  
9 addresses independently. Plaintiff shall provide Defendant with a list of all additional or  
10 different email addresses obtained and used by Plaintiff's counsel to send the reminder notice.  
11 The text of the reminder notice email will be limited to the following: "Attached is a reminder  
12 concerning upcoming deadlines in the court-approved notice previously sent to you." A copy of  
13 the one-page reminder notice will be attached to the email in PDF format.

14 Pursuant to the above stipulation, the parties respectfully request that the Court enter an  
15 Order approving the parties' agreed forms of notice (Exhibit 1) and opt-in consent form (Exhibit  
16 2), and the distribution method described above.

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**STIPULATED MOTION TO APPROVE FORM OF FLSA  
NOTICE, OPT-IN CONSENT FORM, AND DISTRIBUTION  
METHOD - 3**

Case No. 3:14-cv-05730-BHS

LITTLER MENDELSON, P.C.  
One Union Square  
600 University Street, Suite 3200  
Seattle, WA 98101.3122  
206.623.3300



DATED this 15th day of May, 2015.

**TERRELL MARSHALL DAUDT &  
WILLIE, PLLC**

s/ Toby Marshall

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Telephone: (206) 816-6603  
Fax: (206) 350 3528  
tmarshall@tmdwlaw.com

**NICHOLS KASTER, PLLP**

s/ Rachhana T. Srey

Rachhana T. Srey, MN Bar No. 340133\*  
Alexander M. Baggio, MN Bar No. 389912\*  
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80 South 8th Street  
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abaggio@nka.com

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Fax: (512) 340-4051

*\* Admitted Pro Hac Vice*

**Attorneys For Plaintiffs and the Similarly  
Situatd**

**LITTLER MENDELSON, P.C.**

s/ Douglas E. Smith

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bsheetz@littler.com

**Attorneys For Defendant**


**STIPULATED MOTION TO APPROVE FORM OF FLSA  
NOTICE, OPT-IN CONSENT FORM, AND DISTRIBUTION  
METHOD - 4**

Case No. 3:14-cv-05730-BHS

LITTLER MENDELSON, P.C.  
One Union Square  
600 University Street, Suite 3200  
Seattle, WA 98101.3122  
206.623.3300

1 **IT IS SO ORDERED:**

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3 Dated: 5/19/15

  
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Benjamin H. Settle  
United States District Court

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**STIPULATED MOTION TO APPROVE FORM OF FLSA  
NOTICE, OPT-IN CONSENT FORM, AND DISTRIBUTION  
METHOD - 5**

Case No. 3:14-cv-05730-BHS

LITTLER MENDELSON, P.C.  
One Union Square  
600 University Street, Suite 3200  
Seattle, WA 98101.3122  
206.623.3300

# EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
TACOMA DIVISION**

Sybilla Randolph, individually and on behalf  
of all other similarly situated individuals,

Case No.: 3:14-cv-05730-BHS

Plaintiff,

**NOTICE OF PENDING LAWSUIT**

v.

Centene Management Company, LLC,

Defendant.

**TO:** All individuals employed by Centene Management Company, LLC as “Case Manager” utilization review nurses (also known as prior authorization, pre-certification, or concurrent review nurses) from September 12, 2011 to the present.

**INTRODUCTION**

The purpose of this notice is to inform you that an overtime lawsuit has been filed that you may join, to advise you of how your rights may be affected by the lawsuit, and to instruct you on the procedure for participating in the lawsuit, should you choose to do so.

On September 12, 2014, Plaintiff Sybilla Randolph filed a lawsuit (the “Lawsuit”) against Defendant Centene Management Company, LLC (“CMC”) on behalf of herself and similarly situated individuals who worked for CMC as Case Manager utilization review nurses (also known as prior authorization, pre-certification, or concurrent review nurses) at any time from September 12, 2011 to the present. The Lawsuit alleges that these individuals are owed overtime compensation under the federal Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 207, for any workweeks in which they worked more than 40 hours.

CMC denies the allegations in the Lawsuit, and asserts that its Case Manager utilization review nurses have been properly classified and paid in accordance with all applicable laws. CMC also alleges that the Lawsuit should not be certified or maintained as a collective or class action lawsuit.

The Court has not yet decided who will win the case, and has not ruled on the merits of Plaintiff’s claims or CMC’s defenses.

**YOUR RIGHT TO JOIN THIS CASE**



The United States District Court for Western District of Washington has authorized the distribution of this notice to all current and former Case Manager utilization review nurses who worked for CMC at any time from September 12, 2011 to the present.

If you fit the definition above, you are eligible to participate in the lawsuit.

You may join the Lawsuit by mailing, emailing, or faxing the enclosed Plaintiff Consent Form to Plaintiff's Counsel for filing with the Court:

**Nichols Kaster, PLLP**  
**Attn.: Rachhana T. Srey**  
**4600 IDS Center, 80 South Eighth Street**  
**Minneapolis, Minnesota 55402**  
**Toll-Free Telephone: (877) 448-0492 (no faxes to this number)**  
**Fax: (612) 215-6870**  
**Email: forms@nka.com**

The Plaintiff Consent Form must be postmarked on or before [DATE - 60 days from mailing] in order for you to participate.

#### EFFECT OF JOINING THIS CASE

If you join this Lawsuit by submitting a completed and signed Plaintiff Consent Form on or before the deadline specified above, you agree that your interests will be represented by Plaintiff's Counsel, who are attorneys with the law firms of Nichols Kaster, PLLP; Terrell Marshall Daudt & Willie, PLLC; and Dunham & Jones, P.C. By joining the Lawsuit, you also authorize Plaintiff's Counsel to make decisions on your behalf regarding the course of the Lawsuit and any settlement discussions in connection with the Lawsuit. If you join the Lawsuit, you will be bound by any ruling or judgment of the Court, whether favorable or unfavorable. If you choose to join the Lawsuit, you may also be required to provide information and documents, appear for a deposition or as a witness at trial, or otherwise participate in the litigation.

If you choose not to join this Lawsuit, you will not be affected by any ruling, judgment or settlement in the case, whether favorable or unfavorable.

Plaintiff's Counsel has taken this case on a contingency fee basis. This means that they will only be paid if there is a monetary recovery through a settlement or judgment in your favor. If there is a recovery, Plaintiff's Counsel will receive a part of any money judgment or settlement obtained in your favor. You will not have to pay Plaintiff's Counsel out of your own pocket. The details will be fully outlined in a separate fee agreement with Plaintiff's Counsel that will be sent to you if you decide to join this case.

#### STATUTE OF LIMITATIONS



The FLSA statute of limitations is a minimum of two years and a maximum of three years. If you choose to join this Lawsuit, you may be eligible to assert claims for overtime compensation going back three years from the date your Plaintiff Consent Form is filed with the Court. If you choose not to join this Lawsuit, or you choose to file your own action, some or all of your potential claims may be barred by the statute of limitations.

**NO RETALIATION PERMITTED**

**Federal law prohibits retaliation against employees for exercising their rights under the FLSA. Therefore, CMC is prohibited from firing you or retaliating against you in any other manner because you choose to participate in this Lawsuit.**

THIS NOTICE AND ITS CONTENT HAS BEEN AUTHORIZED BY THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON, TACOMA DIVISION, THE HONORABLE JUDGE BENJAMIN SETTLE. THE COURT HAS MADE NO DECISION IN THIS CASE ABOUT THE MERITS OF PLAINTIFF'S CLAIMS OR DEFENDANT'S DEFENSES.

PLEASE DO NOT CALL OR CONTACT THE COURT WITH QUESTIONS ABOUT THIS NOTICE, THE LAWSUIT, OR THE DEADLINE FOR SUBMITTING A PLAINTIFF CONSENT FORM.

# EXHIBIT 2

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### PLAINTIFF CONSENT FORM

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1. I consent to join as a plaintiff and make a claim for overtime pay under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* against my current/former employer, Centene Management Company, LLC ("CMC"), in the lawsuit entitled *Randolph v. Centene Management Company, LLC*, Case No. 3:14-cv-05730 BHS (W.D. Wash. at Tacoma).
2. I am or was employed by CMC as a "Case Manager" utilization review nurse (also known as a prior authorization, pre-certification, or concurrent review nurse) between September 12, 2011 and the present.
3. I understand that this lawsuit will be prosecuted as a collective action on behalf of me and other similarly situated Case Manager utilization review nurses who consent to join this action.
4. By joining this lawsuit, I understand and agree that my interests will be represented by Plaintiff's Counsel, who are attorneys with the law firms of Nichols Kaster, PLLP; Terrell Marshall Daudt & Willie, PLLC; and Dunham & Jones, P.C. By joining the lawsuit, I also authorize Plaintiff's Counsel to make decisions on my behalf regarding the course of the lawsuit and any settlement discussions in connection with the lawsuit..

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

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**Information Below Will Be Redacted in Filings with the Court. Please Print or Type.**

Address: \_\_\_\_\_

City, State Zip: \_\_\_\_\_

Best Phone Number(s): \_\_\_\_\_

Email: \_\_\_\_\_

**Return this form by  
fax, email or mail to:**

**Nichols Kaster, PLLP, Attn: Rachhana T. Srey**  
**Fax: (612) 338-4878**  
**Email: forms@nka.com**  
**Address: 4600 IDS Center, 80 S. 8<sup>th</sup> Street, Minneapolis, MN 55402**  
**Web: www.nka.com**